



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

August 13, 2020

Mr. Thom Fischer
Electron Hydro, LLC
1800 James Street, Suite 201
Bellingham, Washington 98225

Reference: NWS-2016-350
Electron Hydro, LLC
(Diversion Repair and
Spillway Replacement)

Dear Mr. Fischer:

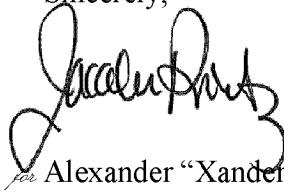
We have reviewed the information you provided in the *Corps Response Letter* dated August 10, 2020, related to the work performed on your property located in the Puyallup River near Electron, Pierce County, Washington. As previously mentioned in our letter dated August 7, 2020, you are in violation of your permit, and you are still directed to do no further work waterward of ordinary high water mark at this site until otherwise authorized by the Corps. Please be reminded that failure to cooperate in this matter could also result in the assessment of administrative civil penalties under 33 CFR Part 326 and/or a directive to remove any fill placed under this permit.

The response provided did not answer all our initial questions but based on our understanding of the current situation at the site and ongoing impacts to the aquatic environment, we are prepared to allow you to continue work but first need to ensure ongoing impacts to the aquatic environment are minimized once work is allowed to continue. We will also be following up with you on a more complete response to our initial questions. To address the current situation at the site and minimize potential impacts to the aquatic resources on continuing work, we request you submit a construction plan to include the following best management practices:

- a. A modified water diversion/relocation plan, as your current methods have not sufficiently dewatered the work site.
- b. A plan to ensure the existing fish ladder is properly functioning for all life stages during construction.
- c. A construction notification plan including a weekly update submitted to the Corps on the construction activities that took place that week, fish passage, dewatering/diversion, water quality monitoring, and any astro-turf containment/disposal.

Please furnish the requested construction plan within 10 days from the date of this letter and please be reminded you are instructed to do no work until we have reviewed and approved of the construction plan. Once we more fully understand the situation and we have authorized work to begin again, we can work with you and our other agency partners to figure out the best path forward to address the additional impacts, potential permit modifications and mitigation measures. Your comments will be beneficial in resolving this matter. If you have any questions concerning your reply, please contact Ms. Jenae Churchill at jenae.churchill@usace.army.mil or at (206) 764-5527.

Sincerely,

A handwritten signature in black ink, appearing to read "Xander Bullock", with a stylized flourish at the end.

Alexander "Xander" L. Bullock
Colonel, Corps of Engineers
District Engineer